IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2149 OF 2005

Shri.Chetan Umeshchandra Sheth ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.A.P.Mundargi with Mr.J.S.Kini & Ms.Kinjal Haria for Applicant.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 21, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. It is not in dispute that co-accused, who are partners of the firm; Fair Deal Builders, have since been enlarged on bail by the lower Court. The role of the said partners, as can be discerned from the observations made by the lower Court while releasing them on bail, in my opinion, is no

different from the one of the present Applicant.

3. In my opinion, the Applicant deserves to be enlarged on bail on parity along with co-accused Vasudev Hariram Zaveri and Madar Suleman Nadaf released on bail by the lower Court by order dated 18th March 2005.

4. In this case, it was argued by the learned A.P.P. on the previous occasion that the firm and the Applicant had no right in the subject land, as the said land was already acquired. In other words, neither the firm nor the Applicant could have dealt with the said land. This position has been countered by the Applicant by placing on record order dated 10th November 2000 in Writ Petition No.110 of 1995, which was allowed on terms referred to in the said order.

5. It was also argued on behalf of the Respondent that some injunction was operating in respect of the said property, disentitling the firm of the Applicant to deal with the same. Even this position has been countered by placing on record

order passed by this Court dated 21st March 2001 in Notice of Motion No.657 of 2001.

6. In the circumstances, as mentioned earlier, Applicant deserves to be enlarged on bail on parity. This Application therefore succeeds on the following conditions:

a) The Applicant is directed to be released on bail in connection with C.R.No.15/2005 registered with L.T.Marg Police Station, now re-registered with GB CB CID, EOW, Mumbai as C.R.No.58 of 2005, on executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two local sureties in the like amount.

(b) The Applicant shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicant shall report to the Investigating Officer as and when called upon.

(d) The Applicant shall not travel outside

city of Mumbai, without prior intimation to the Investigating Officer and the prior permission of the Trial Court.

(e) The Applicant shall co-operate for the early disposal of the trial. If the Trial Court is of the opinion that the Applicant is, in any manner, responsible for causing delay in disposal of the trial, that fact be recorded in the Roznama, which can be a ground for cancellation of bail.

7. Application disposed of accordingly.

A.M.KHANWILKAR, J.